12. (Amended) A method of treating cancerous disease, comprising administering the preparation of claim 1 to a human being or a mammal in an amount effective to treat said cancerous disease.

13. The method of claim 12, wherein said cancerous disease is parvocellular bronchial carcinoma or colorectal carcinoma.

15. The method according to claim 12, wherein said cancerous disease is selected from testicular tumors, ovarian carcinomas, bladder carcinomas, colonic carcinomas, prostatic carcinomas, parvocellular and non-parvocellular bronchial carcinomas, carcinomas of the cephalic and cervical parts, carcinomas of the thoracic and abdominal regions, cervical and endometrial carcinomas, sarcomas, melanomas and leukemias.

REMARKS

This Amendment is being filed in response to the Office Action mailed from the U.S. Patent and Trademark Office on October 7, 2002, in which claims 1-4, 8, 11-13 and 15 were rejected and claims 5-7 and 14 were withdrawn from consideration. With this Amendment, claims 1, 11 and 12 are amended, and claims 5-7 and 14 are canceled without prejudice to put the case in condition for allowance. As such, Applicants respectfully request reconsideration and allowance of pending claims 1-4, 8, 11-13 and 15.

In the Office Action, claims 1-4, 8, 11-13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention for the following reasons:

> Claim 11 refers to a process for making the composition of claim 1 by mixing the compounds with a carrier or diluents while claim 1 fails to recite the carrier or diluents. Correction is required. The term "at least one" in claims 1, 2, 8, 11-13 and 15 is indefinite in failing to recite an upper limit. Correction is required. Claims 1-4, 8 and 11 should recite the amount of the active agent in the pharmaceutical preparation. Without amount, the amount could be so small as to be meaningless. The term "an effective amount" would overcome this.

Claims 12, 13 and 15 should recite the specific host being administered to, i.e. human being or mammal (page 6, lines 18). (Office Action, pages 2-3).

With this Amendment, Applicants have amended claims 1, 11 and 12 to address the rejections under 35 U.S.C. 112. As such, Applicants respectfully request reconsideration and allowance of pending claims 1-4, 8, 11-13 and 15.

Applicants hereby gratefully acknowledge the telephone conference with Examiner Jerome D. Goldberg on December 10, 2002 wherein Applicants' attorney, David J. Dykeman, and Examiner Goldberg discussed the Office Action mailed on October 7, 2002 and the Applicants' proposed amendments. First, during the telephone conference with Examiner Goldberg on December 10, 2002, Applicants' Attorney and Examiner Goldberg agreed that claim 11 should be amended to depend from claim 8 to overcome the rejection under 35 U.S.C. 112 regarding claim 11. Applicants' Attorney and Examiner Goldberg also agreed that claim 1 should be amended to claim "A pharmaceutical preparation comprising at least one compound of general formula". Second, during the telephone conference with Examiner Goldberg on December 10, 2002, Applicants' Attorney and Examiner Goldberg also agreed that the term "at least one" used in claim 1 is not indefinite under 35 U.S.C. § 112 and that term "at least one" is not present in claims 2, 8, 11-13 and 15. Third, during the telephone conference with Examiner Goldberg on December 10, 2002, Applicants' Attorney and Examiner Goldberg also agreed that claims 1-4, 8 and 11 need not be amended to recite an amount of the active agent. Fourth, during the telephone conference with Examiner Goldberg on December 10, 2002, Applicants' Attorney and Examiner Goldberg also agreed that claim 12 should be amended to recite the host being administered to (i.e., a human being or a mammal). In summary, during the telephone conference with Examiner Goldberg on December 10, 2002, Applicants' Attorney and Examiner Goldberg agreed that by amending claims 1, 11 and 12 as discussed above, pending claims 1-4, 8, 11-13 and 15 would be in condition for allowance. Thus, Applicants respectfully request reconsideration and allowance of pending claims 1-4, 8, 11-13 and 15.

With this Amendment, Applicants have made an earnest effort to respond to all issues raised in the Office Action of October 7, 2002, and to place all claims presented in condition for allowance. No amendment made was for the purpose of narrowing the scope of any claim,

unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicant's attorney would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney of record.

Respectfully submitted,

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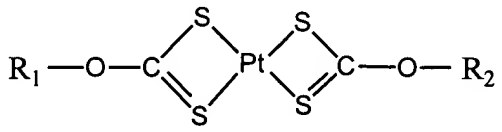
MARKED-UP VERSION OF AMENDMENTS:

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

Please amend claims 1, 11 and 12 as follows:

1. (Twice Amended) A pharmaceutical preparation comprising [characterized by a content of] at least one compound of general formula (I)



(I)

wherein R_1 and R_2 are each independently of each other a straight-chain or branched alkyl residue having 1 to 30 carbon atoms, a straight-chain or branched alkenyl residue having 2 to 30 carbon atoms, a monocyclic or polycyclic alkyl residue having 3 to 30 carbon atoms, a monocyclic or polycyclic alkenyl residue having 4 to 30 carbon atoms, or a monocyclic or polycyclic aromatic residue having 6 to 30 carbon atoms, these residues being optionally substituted by one or several substituents.

11. (Amended) A process for the production of a pharmaceutical preparation according to claim 8 [1], characterized in that the compound according to formula (I) is mixed with the [a] pharmaceutically compatible inert carrier or diluent.

12. (Amended) A method of treating cancerous disease, comprising administering the preparation of claim 1 to a human being or a mammal in an amount effective to treat said cancerous disease.